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7 **UNITED STATES DISTRICT COURT**
8 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
9 **SAN JOSE DIVISION**

10 ISAI BALTEZAR & JULIE CHO,

11 Plaintiffs,

12 v.

13 MIGUEL CARDONA, *et al.*,

14 Defendants.

Case No. 5:20-cv-455-EJD

**JOINT STIPULATION TO EXTEND
DEFENDANTS' DEADLINE TO FILE REPLY
IN SUPPORT OF MOTION TO REMAND;
~~PROPOSED ORDER~~**

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17 Plaintiffs Isai Baltezar, and Julie Cho, and Defendants Miguel Cardona, in his official
18 capacity as Secretary of Education, and the U.S. Department of Education ("Department"),
19 through their respective undersigned counsel, submit this Joint Stipulation to request that
20 Defendants' current November 18, 2021 deadline to file a reply in support of Defendants'
21 motion to remand be extended to November 23, 2021. The parties state the following in support
22 of their stipulated request:

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24 1. On January 22, 2020, Plaintiffs filed a Complaint for Declaratory and Injunctive
25 Relief, bringing eleven claims under the Administrative Procedure Act ("APA"), 5 U.S.C.
26 §§ 701-706, in a challenge to a Final Rule promulgated by the Department. *See* ECF No. 1.
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1 2. Defendants moved to dismiss this action for lack of standing. *See* ECF No. 26.
2 Following briefing and a hearing on Defendants’ motion, the Court issued an Order Granting in
3 Part and Denying in Part Defendants’ Motions to Dismiss on September 3, 2021. *See* ECF No.
4 33.

5 3. The parties filed a Case Management Statement on September 21, 2020. *See* ECF
6 No. 35. Defendants filed a Motion for Partial Reconsideration of the Court’s September 3, 2021,
7 ruling on October 1, 2020. *See* ECF No. 38.

8 4. Following briefing on Defendants’ motion, the Court denied reconsideration in
9 relevant part in an Order issued on September 29, 2021. *See* ECF No. 44.

10 5. On October 27, 2021, the parties filed a Joint Stipulation indicating that
11 Defendants intended to file a motion to remand this action to the Department. *See* Joint Stip. ¶ 7
12 [ECF No. 45]. On October 29, 2021, Defendants filed the motion to remand. *See* ECF No. 48.

13 6. .On November 11, 2021, Plaintiffs American Federation of Teachers and
14 California Federation of Teachers filed a notice of voluntary dismissal without prejudice. *See*
15 ECF No. 49. On the same date, Plaintiffs Izai Baltezar and Julie Cho filed an opposition in part
16 to Defendants’ motion to remand. *See* ECF No. 50.

17 7. Pursuant to Local Rule 7-3, Defendants’ reply in support of their motion to
18 remand is currently due November 18, 2021. However, undersigned counsel for Defendants has
19 been unable to work over the weekend due to illness and will have insufficient time to prepare a
20 reply and allow for review by others before the current deadline. In addition, undersigned
21 counsel will be out of town on leave during the week of Thanksgiving and has a dispositive
22 motion deadline in another case on November 29, 2021.

23 8. Undersigned counsel therefore conferred with counsel for Plaintiffs regarding an
24 extension of Defendants’ reply deadline. In light of that discussion, the parties hereby stipulate
25 and respectfully request, that the deadline for Defendants’ reply be extended up to and including
26 November 23, 2021.

1 Dated: November 18, 2021

Respectfully submitted,

2 BRIAN M. BOYNTON
3 Acting Assistant Attorney General
4 MARCIA BERMAN
Assistant Director, Federal Programs Branch

5 /s/ Kathryn L. Wyer

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23 *Attorneys for Plaintiffs Isai Baltezar and Julie Cho*


24 *Admitted Pro Hac Vice

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Executed on November 18, 2021, in Washington, D.C.

/s/ Kathryn L. Wyer
KATHRYN L. WYER

IT IS SO ORDERED.


EDWARD J. DAVILA
United States District Judge